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Attorney for Defendant
PRIDE OF AMERICA SHIP HOLDING, LLC

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

OLEKSIY ANATOLIEVITCH
REVA,

Plaintiff,

vs.

NCL PRIDE OF AMERICA LLC,

Defendant.

CIVIL NO.

DEFENDANT PRIDE OF AMERICA
SHIP HOLDING, LLC'S **NOTICE
OF REMOVAL**; DECLARATION OF
CHRISTOPHER S. YEH; EXHIBIT
"A"; CERTIFICATE OF SERVICE

No Trial Date Set

**DEFENDANT PRIDE OF AMERICA SHIP HOLDING, LLC'S
NOTICE OF REMOVAL**

TO THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF HAWAII:

PLEASE TAKE NOTICE that, pursuant to the provisions of 28 U.S.C. §§ 1331, 1367, 1441, and 1446, Defendant Pride of America Ship Holding, LLC (“Defendant”) hereby removes Civil No. 5CC-18-1-0079 from the Circuit Court of the Fifth Circuit, State of Hawaii, to the United States District Court for the District of Hawaii. The grounds for removal are:

1. The instant action was commenced by the filing of a “Petition for Declaratory Judgment and Complaint for Compensation of Monetary Damages” (“Complaint”) in the Circuit Court of the Fifth Circuit, State of Hawaii, which is identified as *Oleksiy Anatolievitch Reva vs. NCL Pride of America LLC*, Civil No. 5CC-18-1-0079. On information and belief, the Complaint was filed on June 15, 2018. A true and correct copy of the Complaint is attached hereto as Exhibit A.

2. On or around June 14, 2018, an unfiled copy of the Complaint was received by U.S. Mail.¹ There was no summons issued by the clerk attached to the Complaint, and the Complaint was not served in accordance with Rule 4 of the Hawaii Rules of Civil Procedure. No other process, pleadings, and/or orders have been served upon Defendant.

¹ Plaintiff has not properly served Defendant, and Defendant waives no arguments or defenses regarding insufficiency of service/process or any other matter (including, but not limited to, the failure to exhaust administrative remedies and the failure to properly identify Defendant). Defendant files this Notice of Removal given that 28 U.S.C. §1446 provides the timeline for removal after receipt “through service *or otherwise*” of the initial pleading (emphasis added).

3. No further proceedings have been had, and thirty days have not elapsed since this action became removable to this Court.

4. Defendant has the right to remove the Complaint to this Court pursuant to 28 U.S.C. §§ 1331 and 1441 because some or all of Plaintiff's claims against Defendant clearly arise under federal law. Specifically, the Complaint alleges violations of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 *et seq.*, as amended (*see* Ex. A, Count One); the Rehabilitation Act of 1973, 29 U.S.C. Section 705 *et seq.*, as amended (*see id.*); and Title VII of the Civil Rights Act of 1964, 42 U.S.C. Sections 2000 *et seq.*, as amended (*see* Ex. A, Count Two). To the extent that any claims in the Complaint are not based on federal law, the Court would have subject matter jurisdiction over such claims pursuant to 28 U.S.C. § 1367.

5. Venue is proper in the District of Hawaii pursuant to 28 U.S.C. § 1391 inasmuch as the events giving rise to the instant lawsuit, as alleged in the Complaint, allegedly occurred in the District of Hawaii. *See* Ex. A.

6. Pursuant to 28 U.S.C. § 1446(d), Defendant will provide Plaintiff with written notice of the filing of this Notice of Removal, and will file a copy of the Notice of Removal with the Clerk of the Circuit Court of the Fifth Circuit, State of Hawaii.

7. By filing this Notice of Removal, Defendant waives no defenses to the Complaint.

WHEREFORE, Defendant respectfully requests that this action be duly removed from the Circuit Court of the Fifth Circuit, State of Hawaii, to the United States District Court for the District of Hawaii and that the action proceed herein.

DATED: Honolulu, Hawaii, July 11, 2018.

/s/ Christopher S. Yeh
CHRISTOPHER S. YEH

Attorney for Defendant
PRIDE OF AMERICA SHIP
HOLDING, LLC